

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CALVIN ORLANDUS WATKINS,

Plaintiff,

V.

TIPTON COUNTY DEPUTY GREEN,

et al.,

Defendants.

No. 2:23-cv-02026-SHL-atc

**ORDER ADOPTING REPORT AND RECOMMENDATION,
DISMISSING CLAIMS AGAINST DEFENDANT STEPHANIE DRAUGHON, AND
DIRECTING THE CLERK TO ISSUE PROCESS FOR REMAINING DEFENDANTS**

Before the Court is Magistrate Judge Annie Christoff's Report and Recommendation for Partial Sua Sponte Dismissal ("R&R"), entered on December 28, 2023, recommending that the Court dismiss all claims against Defendant Stephanie Draughon for failure to state a claim upon which relief can be granted and that the Clerk of Court be directed to issue process for the remaining Defendants. (ECF No. 11 at PageID 25.)

A magistrate judge may submit to a district court judge proposed findings of fact and recommendations that assist in the determination of certain pretrial matters. 28 U.S.C. § 636(b)(1)(A)–(B). Parties can file objections to the proposed findings and recommendations “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1)(C). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects; the rest are reviewed for clear error. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee notes.

More than fourteen days have now passed since the R&R was entered on December 28, 2023, (ECF No. 11), and Mr. Watkins has not filed any objections to the R&R. Since no objections have been filed, the Court reviews the R&R in its entirety for clear error and finds none.

The R&R notes that Mr. Watkins filed his original pro se complaint on January 18, 2023, and that this Court approved his proceeding in forma pauperis. (Id. at PageID 19.) Mr. Watkins then filed an amended complaint on July 28, 2023. (ECF No. 9.) This complaint must be screened pursuant to the requirements of 28 U.S.C. § 1915 (e)(2)(B)(ii), which necessitate dismissal of a case for failure to state a claim upon which relief can be granted. Mr. Watkins added Stephanie Draughon as a Defendant in his amended complaint; however, she has absolute immunity in her role as a prosecutor. (ECF No. 11 at PageID 24.) Therefore, the Court **ADOPTS** the Magistrate Judge's R&R and **DISMISSES** Watkins's claims against Stephanie Draughon.

The Court further **ADPOTS** the Magistrate Judge's R&R as to its screening of the rest of the Complaint and its recommendation that Mr. Watkins's claims against the other Defendants proceed. (Id. at PageID 25.) The Clerk of Court is **DIRECTED** to issue process for all remaining Defendants and to **DELIVER** process to the U.S. Marshal for service along with a copy of the complaints, the Report and Recommendation for Partial Sua Sponte Dismissal (ECF No. 11), and this Order (ECF No. 13). All costs of service will be advanced by the United States.

IT IS SO ORDERED, this 24th day of January, 2024.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE